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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,809	10/19/2001	Dietmar Rudolph	520.1004	8344
23280	7590	06/13/2005	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018				HARVEY, DIONNE
ART UNIT		PAPER NUMBER		
2643				

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/980,809	RUDOLPH, DIETMAR	
	Examiner	Art Unit	
	Dionne N. Harvey	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12-6-04

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 4-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 10/14/10

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odenwalder US 2004/0029534 A1 in view of Valentine US 6,353,607.**

Regarding claim 4, in figure 2, Odenwalder teaches a method for broadcast monitoring and a control system wherein the receiver system **204** a mobile station is disposed in or adjacent to a target area, said receiver system reading on “at least one receiver station”;

unit **206** in combination with said power control processor **208** cooperate to determine the quality of a received signal and generate power control data, thus reading on “evaluating quality data of a received high frequency digital signal using the at least one receiver station so as to determine corresponding parameter values”;

discussed in **page 2, paragraph [0027-0029]**, via **unit 210**, said control data, which reads on “corresponding parameter values”, is transmitted the power control processor **234** of a base station **106A**, said base station reading on “a broadcast transmitter” such that the bandwidth (power/rate), modulation and coding of base station transmissions are adapted to optimize forward link transmissions, thereby reading on

"influencing at least one of a number of modulation stages and a coding of the transmission using the transmitted parameter values."

Odenwalder does not specifically disclose that a portion of the transmitting is performed via the Internet.

Valentine teaches that in a wireless communication system, the transmission of both non-speech and speech signals may be provided via an Internet (IP) transport medium, rather than over wireless circuit connections. In **column 3, lines 22-30**, Valentine further teaches that a means for reducing or eliminating the use of wireless circuit connections is desirable since it would free up capacity on the wireless network and thus permit an increased number of cellular phone calls to be placed by the network. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Odenwalder and Valentine, altering the device of Odenwalder such that power correction data i.e., non-speech data, is transmitted to the broadcast transmitter **106A** via IP transport, for the purpose of providing more bandwidth availability on the network.

Regarding claims 5 and 9, the combination of Odenwalder and Valentine does not clearly teach that the method for quality control of a digital radio transmission is for use with a digital radio transmission as recommended by the international telecommunication union (ITU) protocol. However, it would have been obvious for one of ordinary skill in the art at the time of the invention to configure the method of quality control as disclosed by Odenwalder, for use with a broadcast transmission system as recommended by ITU or another protocol, given that said protocols are well known in

the art for providing a standard with respect to telecommunication networks in government and in private-sector, and doing so would increase the applicability of the method for quality control, as taught by Odenwalder and Valentine.

Regarding claims 6 and 10, Odenwalder teaches that the transmission is a broadcast transmission.

Regarding claims 7 and 11, in figure 2, and discussed in column 4, paragraph [0040-0041], Odenwalder teaches memory **207** for storing signal samples at the target frequency, and appears to teach that based upon the stored parameter values, a frequency prognosis is performed.

Regarding claim 8, in figure 2, Odenwalder teaches a method for broadcast monitoring and a control system wherein the receiver system **204** a mobile station is disposed in or adjacent to a target area, said receiver system reading on “at least one receiver station”;

unit **206** in combination with said power control processor **208** cooperate to determine the quality of a received signal and generate power control data, thus reading on “evaluating quality data of a received high frequency digital signal using the at least one receiver station so as to determine corresponding parameter values”;

discussed in **page 2, paragraph [0027-0029]**, via **unit 210**, said control data, which reads on “corresponding parameter values” is transmitted the power control processor **234** of a base station **106A**, said base station reading on “a broadcast transmitter”;

and in **page 3, paragraph [0034] – page 4, paragraph [0043]**, Odenwalder teaches that an inter-frequency search is performed, thus reading on “determining alternative transmit frequencies using transmitted corresponding parameter values”.

Odenwalder does not specifically disclose that a portion of the transmitting is performed via the Internet.

Valentine teaches that in a wireless communication system, the transmission of both non-speech and speech signals may be provided via an Internet (IP) transport medium, rather than over wireless circuit connections. In **column 3, lines 22-30**, Valentine further teaches that a means for reducing or eliminating the use of wireless circuit connections is desirable since it would free up capacity on the wireless network and thus permit an increased number of cellular phone calls to be placed by the network. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Odenwalder and Valentine, altering the device of Odenwalder such that power correction data i.e., non-speech data, is transmitted to the broadcast transmitter **106A** via IP transport, for the purpose of providing more bandwidth availability on the network.

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Odenwalder US 2004/0029534 A1 in view of Mayo US 5,133,081.

Regarding claim 12, in figure 2, Odenwalder teaches providing a power control message signal, said power control message signal reading on “a backward channel” for digital signals received in a target area; and using said power control message

signal to provide a high reception quality and coverage reliability, as broadly claimed.

Odenwalder does not clearly teach that the transmitter is an AM transmitter.

In column 20, lines 27-31, Mayo teaches that the use of an AM transmitter meeting FCC guidelines is well known in the art. It would have been obvious for one of ordinary skill in the art at the time of the invention to use an AM transmitter in the broadcast monitoring and control system of Odenwalder, given that said transmitters characteristically exhibit a longer range thereby negating the need for a repeater in the broadcasting system.

Response to Arguments

3. Applicant's arguments with respect to claims 4-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jensen (US 6,496,698) teaches relationship between frequency use and interference in cellular systems.

Matthew (US 6,295,443) teaches AM transmitter.

Gunnarsson (US 6,493,541) teaches adjustment of various signal parameters to effect signal quality.

Grob (US 5,881,368) teaches a method of signal quality control.

Henderson (US 6,208,842) teaches method configured in accordance with various protocols.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 703-305-1111. The examiner can normally be reached on 9-6:30 M-F and alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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